IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.95 OF 2006
IN
SECOND APPEAL NO.502 OF 2005

Mr.Pandit K. Balkawde. ..Applicant.

V/s.

Pune Municipal Corpn. Pune & Anr...Respondents.

Mr.Anirudha Pratinidhi i/b V.D.Borwankar for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 25, 2006.

P.C. :

1. Heard.

2. Case made out in the application is not acceptable. It is not a sufficient cause. There can be no justification for no one to appear even to request the Court to keep back the matter. The appeal was dismissed at the second call as none appeared on both the occasions. However, as the litigant should not suffer for the mistake of the advocate, application is allowed on condition that the advocate on record shall pay costs to the High Court Legal Services Committee quantified at Rs.750/- within one week from today, failing which office to proceed on the assumption that this application

stands dismissed for non-prosecution.

3. If cost is paid in time, the order passed on appeal for admission will come into effect.

4. Advocate for applicant undertakes to deposit the amount as directed.